

## LEGAL SERVICES CORPORATION PERFORMANCE CRITERIA

*These Performance Criteria are designed to serve as a consistent framework of inquiry for the evaluation of legal services programs to the end of improving program performance and insuring accountability. These criteria were developed in 1995 based on input from program evaluators, evaluated programs, and numerous other interested parties. As required by §100(a)(3) of the Legal Services Corporation Act, 42 U.S.C. §2996f(a)(3), the concepts of effectiveness and efficiency underlie the criteria. Further, each criterion assumes that program activities will be undertaken consistent with the LSC Act, LSC appropriation acts, and regulations.*

<b>PERFORMANCE AREA ONE: Effectiveness in identifying, and targeting resources on the most pressing legal needs of the low-income community.<sup>1</sup></b>
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The Performance Criteria acknowledge the central importance of strategic planning, and envision a dynamic model in which such planning is followed by an interwoven with implementation and evaluation, constantly adjusting objectives and strategies to better address the most critical legal needs of a low-income community. While much of a Legal Services program's work is necessarily reactive, responding to major changes affecting the low-income population, it is important that such reaction occur within a well thought-out framework, designed to enable the program to be as effective as possible in staying focused upon and addressing the most pressing needs of the low-income community it serves.

It is to be emphasized that this performance area does not require one particular form or method of assessment, such as written surveys, nor does it require extensive documentation of the planning process. Rather, the program should be able to demonstrate that it has, through whatever approaches it uses, come to a reasoned, thorough assessment of its client community's most pressing legal needs. Based on this assessment, the program should set out clearly how it is trying to address the identified needs.

### Criteria

- 1. Periodic comprehensive assessment.** The program periodically undertakes a comprehensive assessment of the most pressing legal problems and needs, both addressed and unaddressed, of the low-income population in its service area, including all major subgroups. These comprehensive assessments should be made frequently enough, in the light of their cost, to be reasonably calculated to identify new developments and opportunities affecting that population.

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<sup>1</sup> See Public Law 104-134, §§504(a)(9) and 504(c), as incorporated by Public Law 105-119, as well as 45 C.F.R. Part 1620 for the statutory and regulatory requirements relating to priority setting.

2. **Outgoing consideration of needs.** The program is flexible and responsive enough to recognize and adjust to major new needs of its target population that emerge or develop in between the periodic, in depth assessments described in Criterion One.
3. **Setting priorities and allocating resources.** In the light of its comprehensive and ongoing assessment of need, and its available resources, the program periodically sets explicit goals, priorities and objectives. Insofar as possible, these priorities and objectives should be expressed in terms of desired outcomes for the client community, and should articulate the general types of services which the program will provide and the kinds of cases or matters which will and will not be accepted. The program should then target its resources consistent with these goals, priorities, and objectives. To the extent that pressing needs have been identified which the program will not be able to address directly because of resource limitations, the program should consider other methods that might be employed to provide some assistance to affected clients.
4. **Implementation.** The program then implements these priorities and works toward the desired outcomes, by considering, adopting and implementing comprehensive strategies which make use of available and appropriate approaches for legal representation, advocacy, and other program work.
5. **Evaluation and adjustment.** The program, in conjunction with the community that it serves, analyzes and evaluates the effectiveness of its work, in major part by comparing the results actually achieved with the outcomes originally intended, and then utilizes this analysis and evaluation to make appropriate changes as the program carries out future assessments and develops subsequent priorities, objectives, and strategies.

<p><b>PERFORMANCE AREA TWO: Effectiveness in engaging and serving the client community.<sup>2</sup></b></p>
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A Program must have effective relations with its clients, on both an individual and community-wide basis. Although the centrality of client relations and engagement is explicit or implicit throughout the criteria, this Performance Area sets forth the central values.

### Criteria

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<sup>2</sup> See Public Law 104-134, §504(a)(18), as incorporated by Public Law 105-119, and 45 C.F.R. Part 1638 regarding the statutory and regulatory provisions restricting an LSC recipient from representing an individual who had not sought legal advice from the recipient but whom the recipient advised to seek legal representation or take legal action.

1. **Dignity and sensitivity.** The program conducts its work in a way that affirms and reinforces the dignity of clients, is sensitive to clients' individual circumstances and is responsive to each client's legal problems.
2. **Engagement in the client community.** The program is in close touch with the community eligible for its services, and effectively engages that community in all appropriate aspects of its operations.
3. **Access and utilization by the community.** Once a program's priorities and objectives are defined, the program should, over time and within the limits of its resources and program priorities, be accessible to and facilitate effective utilization by the low-income population in its service area, including all major subgroups of that population, and all categories of people who traditionally have had difficulties in getting access to or utilizing Legal Services programs.

**PERFORMANCE AREA THREE: Effectiveness of legal representation and other program activities intended to benefit the low-income population in its service area.<sup>3</sup>**

Area Three addresses the program's implementation of its plans, priorities, and objectives. Of primary importance is Criterion 1, Legal representation, to which Legal Services programs allocate the greatest amount of resources. The fundamental question is whether the program is doing good legal work. Criterion 1 relies on the ABA Standards for Providers of Civil Legal Services to the Poor, which include in the referenced sections considerable detail concerning legal representation. The later criteria address other major areas of program activities.

### Criteria

1. **Legal representation.** The program conducts its direct legal representation so that it comports with the relevant provisions of professional ethics, the ABA Standards for Providers of Civil Legal Services to the Poor, and other accepted guidelines applicable to the provision of legal assistance to low-income people.
  - a. The program has in place adequate capacity and resources to carry out its work, insofar as its resources permit.

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<sup>3</sup> See Public Law 104-134, §§504(a)(2)-(4) and 504(a)(6)-(7), as incorporated by Public Law 105-119, as well as 45 C.F.R. Parts 1612 and 1617 regarding the statutory and regulatory provisions prohibiting, with some exceptions, recipients from engaging in agency rulemaking, legislative lobbying activities or advocacy training and from initiating or participating in class action litigation.

- b. The program utilizes systems, approaches, and techniques sufficient to insure the representation is carried out with maximum effectiveness.
- c. Taken as a whole, the program's legal representation achieves as much as is reasonably attainable for the client, given the client's objectives and all the circumstances of the case. In addition, consistent with applicable rules and decisions governing professional responsibility, in its representation the program also achieves as much as reasonably possible for other low-income people similarly situated, and for the eligible population as a whole, commensurate with program priorities and objectives.

**Criterion 2. Other program services to the eligible client population.** To the extent such efforts further program priorities and objectives, the program provides other services which enable clients to address their legal needs and problems. Such services may include, but are not limited to, community legal education, telephone advice and hotlines, facilitation of self-help activities and *pro se* appearances, utilization of alternative dispute resolution, and other activities.

**Criterion 3. Other program activities on behalf of the eligible client population.** Consistent with its priorities and objectives, and within the limits of available resources and the terms of its funding, a program pursues other activities on behalf of its eligible client community which have a beneficial effect on systemic legal problems of the eligible client population, and also maintains communication with the judiciary, organized bar, government agencies, academic and research centers and other information sources, state and national legal resource groups and other organizations working on behalf of low-income people, and other entities whose activities have a significant effect on the eligible client population.

<p><b>PERFORMANCE AREA FOUR: Effectiveness of administration and governance.</b></p>
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The program should be led and managed effectively, with high quality administrative systems and procedures. While not a guarantee of effective services to clients, good leadership and strong internal operations increase the likelihood of such effective services, and decrease the risk that previously effective program services will be undermined by organizational problems.

This Area addresses program administration, apart from the systems related to legal representation and other program services activities which are covered in Performance Area Three.

### Criteria

1. **Basic administration.** The program maintains an effective management structure; has in place effective administrative procedures and personnel; allocates

appropriate resources to management functions; and carries out periodic evaluations of administrative operations.

2. **Board governance.** The program has effective board oversight and involvement in major policy decisions, consistent with Standards 7.1 through 7.3.
3. **Financial administration.** The program has and follows financial policies, procedures and practices which comport with applicable requirements of the American Institute of Certified Public Accountants, the Office of Management and Budget, and the program's funding sources, and conducts effective budget planning and oversight.
4. **Personnel administration.** The program maintains effective personnel administration.
5. **Internal communication.** The program maintains effective intra-staff and staff-management communication and relations that enhance service delivery.
6. **General resource development and maintenance.** To the extent possible, and consistent with the program's mission, the program maintains and expands its base of funding, with a goal of increasing the quality and quantity of the program's services to eligible clients. The program also coordinates with and where possible utilizes outside resources such as academic institutions, social service organizations, foundations, corporations, and other institutions and individuals to increase the community's overall resources devoted to the legal problems and needs of the eligible client population.
7. **Coherent and comprehensive delivery structure.** Overall, the program maintains a delivery structure and approach which effectively utilizes and integrates staff, private attorneys, and other components, is well-suited to meeting the most pressing legal needs of the service area, comports with Standards 6.2 and 6.3, and given available resources constitutes an effective and economical balancing of expenditures on the various functions and activities described in the four Performance Areas.